

**IN THE UNITED STATES DISTRICT COURT
FOR THE STATE OF NEW MEXICO**

**STATE OF NEW MEXICO, *ex rel.*
State Engineer**

Plaintiff,

v.

RAMON ARAGON, *et al.*,

Defendants.

01 *ocrg* PM 2:24

69cv07941 JEC-ACE

**RIO CHAMA STREAM SYSTEM
Section 3: Rio Nutrias, Rio Cebolla
& Canjilon Creek**

**NEW MEXICO'S MOTION TO JOIN
ADDITIONAL PARTIES DEFENDANT**

COMES NOW plaintiff State of New Mexico, *ex rel.* State Engineer ("State") and respectfully requests the Court to join as additional parties defendant the persons or entities named below and order them to answer the State's Complaint in this action as required in any civil action in the United States District Court or suffer default judgment against them. In support of this motion, the State asserts:


1. The persons listed in Exhibit A attached hereto are diverting and using or may claim the right to divert and use surface or underground waters within the Rio Chama Basin. These waters belong to the public and are subject to appropriation in accordance with the laws of the state. This Court has exclusive jurisdiction of adjudicate all claims to the right to divert, store, or use public waters in the Rio Chama Basin.

2. The persons or entities listed in Exhibit A are in Section 3 of the Rio Chama Basin, and may be diverting and using water associated with the subfile numbers listed, or may otherwise be using and diverting surface or underground waters within Section 3 of the Rio Chama Basin.

6354

DATED: October 1, 2001

Respectfully submitted,


EDWARD G. NEWVILLE
Special Assistant Attorney General
Office of the State Engineer
P.O. Box 25102
Santa Fe, NM 87504-5102
(505) 827-6150

CERTIFICATE OF SERVICE

I certify that a copy of New Mexico's Motion to Join Additional Parties Defendant was mailed to the following persons on OCTOBER 2, 2001.


Edward G. Newville

Special Master Vickie L. Gabin
USDC-DCNM
P.O. Box 2384
Santa Fe, NM 87504-2384

Darcy S. Bushnell, Esq.
Adjudication Staff Attorney
USDC-DCNM
333 Lomas Blvd. NW, Box 610
Albuquerque, NM 87102-2272

Karla McCall, Data Manager.
1315 Sagebrush Dr. SW
Las Lunas, NM 87031

Bradley S. Bridgewater, Esq.
David W. Gehlert, Esq.
USDOJ-ENRD
999 18th St., Suite 945

Denver, CO 80202

John W. Utton, Esq.
P.O. Box 271
Albuquerque, NM 87103-0271

Fred J. Waltz, Esq.
P.O. Box 6390
Taos, NM 87571

Wilfred Gutierrez, Chair
NM Acequia Commission
P.O. Box 190
Velarde, NM 87582

Paula Garcia
NM Acequia Association
P.O. Box 1229
Santa Cruz, NM 87567

EXHIBIT A

<u>DEFENDANT</u>	<u>SUBFILE NO.</u>	<u>ADDRESS</u>
Louis R. Tafoya	CHNU-02-0005B	P.O. Box 322, Tierra Amarilla NM 87575
Chris E. Tafoya	CHNU-02-0005C	3375 La Avenida de San Marcos Santa Fe, NM 87505
Martinez Ranch Partnership	CHCB-07-0002B	c/o Max D. Martinez, Sr. P.O. Box 3912, Fairview, NM 87533
Placido Borrego	CHCJ-01-0004B	c/o Jim Borrego 3056 Agua Fria, Santa Fe, NM 87501
David Leyba	CHCJ-04-0046B	c/o Benjamin Leyba P.O. Box 463, Canjilon, NM 87515
Horace Leyba	CHCJ-04-0046B	General Delivery, Canjilon, NM 87515
Max David Martinez	CHCJ-03-0074	P.O. Box 3912, Fairview, NM 87533
Angela Martinez	CHCJ-03-0074	P.O. Box 3912, Fairview, NM 87533
Lena Sanchez	CHCJ-03-0051	P.O. Box 1048, Española, NM 87532